

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

IN RE: KEURIG GREEN MOUNTAIN SINGLE-SERVE  
COFFEE ANTITRUST LITIGATION

CIVIL ACTION NO.: 14 MD 2542 (VSB) (SLC)

**AMENDED SCHEDULING ORDER**

**SARAH L. CAVE**, United States Magistrate Judge.

The Court is in receipt of the joint letter addressing corrections and raising a dispute regarding the amended scheduling order (ECF No. 1159). Regarding the dispute as to the class certification briefing schedule, the Court has amended the schedule such that Keurig now has 46 days to respond, and Plaintiffs have 40 days to reply. The Court set these dates to ensure class certification briefing is complete before dispositive motion briefing begins, as Judge Broderick has previously instructed.

The operative case management schedule is as follows:

1. All motions for spoliation and sanctions relating to known conduct to such date shall be filed by **April 19, 2021**. The parties are to confer as to a proposed briefing schedule and provide a proposed schedule to the Court by **November 6, 2020**.
2. Expert Discovery
  - a. All expert discovery shall be completed by **April 7, 2021**.
  - b. Any Defendant or Counterclaim-Defendant that wishes to submit a report from an expert witness must submit that report as required by Fed. R. Civ. P. 26(a)(2)(B) by **December 7, 2020**.
  - c. Any Plaintiff or Counterclaim-Plaintiff seeking to submit a response to any report submitted by Defendant or Counterclaim-Defendant on behalf of its expert witness must submit that report by **February 1, 2021**.

- d. Depositions of expert witnesses shall be completed by **April 7, 2021**. The parties shall cooperate to schedule depositions between **February 2, 2021** and **April 7, 2021**.
  - e. Except by leave of court, each expert witness may be deposed only once.
3. By **May 5, 2021**, the parties are to submit a joint letter updating the Court on the status of the case, including but not limited to whether any party intends to file a dispositive motion and what efforts the parties have made to settle the action.
4. Class Certification
- a. Direct Purchaser Plaintiffs and Indirect Purchaser Plaintiffs (together, "Class Plaintiffs") shall file and serve their motions for class certification by **May 24, 2021**.
  - b. Defendants shall file and serve their opposition to class certification by **July 9, 2021**.
  - c. Class Plaintiffs shall file and serve their replies in support of class certification by **August 18, 2021**.
5. Dispositive Motions
- a. All dispositive motions shall be filed and served on **August 18, 2021**. Should any party seek to file a dispositive motion prior to this date, that party must first meet and confer in good faith with the opposing party to determine whether that issue is appropriately ripe for a dispositive motion. If the Court determines that the issue is appropriately ripe, it will set a briefing schedule thereafter.
  - b. If the parties are unable to resolve the ripeness issues through meet and confer, the party seeking to file an early dispositive motion shall file a letter brief on the ripeness issue with the Court.
  - c. Opposition to dispositive motions shall be filed by **September 29, 2021**.
  - d. Replies to dispositive motions shall be filed by **November 10, 2021**.
6. Daubert Motions
- a. All Daubert motions relating to Defendant's class certification experts shall be filed by **April 21, 2021**.
  - b. All oppositions to Daubert motions relating to Defendant's class certification experts, and all Daubert motions relating to Class Plaintiffs' class certification

experts, including as to any non-class issues on which such experts opine, shall be filed by **June 16, 2021**.

- c. All oppositions to Daubert motions relating to Class Plaintiffs' class certification experts, including as to any non-class issues on which such experts opine, shall be filed by **August 18, 2021**.
  - d. All Daubert motions relating to experts not opining on class certification issues shall be filed by **August 18, 2021**.
  - e. All oppositions to Daubert motions relating to experts not opining on class certification issues shall be filed by **September 29, 2021**.
  - f. All replies to Daubert motions relating to experts not opining on class certification issues shall be filed by **November 10, 2021**.
  - g. Except by leave of court, each expert witness shall be subject to only one Daubert motion.
- 7. Counsel for the parties have not proposed an alternative dispute resolution for this case.
  - 8. The length of any trial is yet to be determined.
  - 9. The entry of this Case Management Plan and Scheduling Order, and the dates provided herein, are without prejudice to Plaintiffs' and Counterclaim-Plaintiff's right to seek leave of Court to update their damages calculations to the time of trial.
  - 10. Each Plaintiff may join any other motion, opposition or reply filed by any other Plaintiff.

Dated: New York, New York  
October 28, 2020

SO ORDERED

  
SARAH L. CAVE  
United States Magistrate Judge